

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DATE FILED: 11/28/07

CAROLYN FORREST

Plaintiff

-against-

Case No. 04-CV-5151 (LTS) (THK)

UNIFUND FINANCIAL GROUP, INC.;
UNIFUND AMERICA, INC.;
RALPH SCOTT BARTER and
MURIEL BARTER

Defendants.

ORDER
AND
JUDGMENT BY
DEFAULT

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THIS MATTER HAVING BEEN BROUGHT BEFORE THIS COURT,
by Eric N. Aglow, Esq., UAW Legal Services Plan, as attorney for Plaintiff,
by a letter in lieu of a formal motion, dated November 13, 2007 and
addressed to Magistrate Judge Theodore H. Katz; and

THIS COURT HAVING issued an Order dated November 7, 2007,
with a Notice of Electronic Filing having been served upon counsel for all
parties, which found Defendants to be in violation of the prior Order of
this Court dated October 24, 2007 requiring the production of
documents no later than October 25, 2007, and which directed
Defendant's counsel to produce said documents no later than November
13, 2007; and

THIS COURT HAVING DETERMINED by said letter dated November
13, 2007 from Plaintiff's counsel that said documents have not been
produced as directed; and

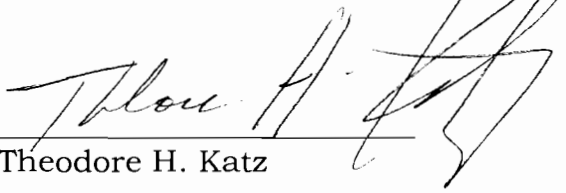
THIS COURT HAVING FOUND that Defendants are in violation of the Order of this Court dated November 7, 2007;

IT IS HEREBY ORDERED AND DECREED on this _____ day of November 2007 that the Answer to the Amended Complaint filed by Defendants on March 27, 2007 is hereby stricken; and

IT IS FURTHER ORDERED AND DECREED that Defendants' counsel shall pay forthwith to Plaintiff's counsel the costs incurred to obtain this Order in the amount of \$ 250.00 plus sanctions in the amount of \$ 750.00, both to be in addition to costs specified in prior Orders and all to be paid no later than ~~November 16, 2007~~ ^{December 17, 2007} and *and*

IT IS FURTHER ORDERED that a Judgment by Default is hereby entered in favor of Plaintiff and against all Defendants, individually and severally, in the amount of Two Hundred Seventy Two Thousand and Eight Hundred Dollars (\$272,800.00) plus accrued interest from the date each Promissory Note underlying this action became due and payable to Plaintiff.

if all responsive documents are not produced by December 4, 2007, sanctions under Rule 37 will be imposed

11/28/07 
Hon. Theodore H. Katz